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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,988	01/21/2004	Wayne M. Pruchniak	P1979US01	4297

24333 7590 08/22/2006

GATEWAY, INC.

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EXAMINER

POPE, DARYL C

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/761,988

Applicant(s)

PRUCHNIAK, WAYNE M.

Examiner

DARYL C. POPE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The indicated allowability of claims 5 is withdrawn in view of the new grounds of rejection to previously cited reference to Wang et al(6,445,087). Rejections based on the newly cited reference(s) follow.

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al(6,445,087).

-- In considering claim 1, the claimed subject matter that is met by Wang et al(Wang) includes:

1) the powerline plug including a plurality of powerline outlets is met by the power plug device(10) including a plurality of power sockets(12);

2) the networking device including logic to isolate the outlets from network traffic is met by the circuitry included embedded controller(40) which isolates the outlets from network traffic by setting power sockets(12) to an appropriate state based on the control program(52) recognizing signals to targeted power sockets(see: column 4, lines 1-8).

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3) the power grid is met by the outside power source(not shown)(see: column 2, lines 53-56).

-- With regards to claim 2, Although not specifically shown by Wang, it would have been inherent that Wang would have included a surge suppression device, since Wang teaches surge protection for devices connected to the device(100, column 4, lines 36-41), thereby implying surge suppression means being included in the device.

-- Claim 3 recites subject matter that is met as seen in figure 1.

-- With regards to claim 4, the powerline networking device comprising logic configured to enable the network device to function as a network hub is met by the circuitry of the controller and comprising a communication control program(52) contained in memory(50) which controls operation of the components in the controller so as to function as a network switch(see: column 4, lines 42-57).

-- Claims 7-10 recite subject matter that is met as discussed in claims 1-4 above, respectively.

### ***Claim Rejections - 35 USC § 103***

5. Claims 5,11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al(Wang).

-- With regards to claims 5,11, and 13-14 although not explicitly stated by Wang, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the logic of the network device would have enabled a subnet to be defined, since the communication/control program(52) of the plug device(100) determines whether a signal received from a device that is connected to the power plug

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device(such as computer(120)) is directed to control devices connected to power sockets of that device(100, column 4, lines 42-50), before converting that signal to be transmitted over the powerline to another device. This implies that in instances when a signal from the computer(120) had been directed for a device connected to a socket of the device(100) then a subnet would have been formed.

Furthermore, with regards to claims 13 and 14, the networking means blocking data on the powerline from reaching the sub-network is met by the control program(52) of the controller(40) controlling the circuit(42) to select appropriate states of the power socket(12) based on specific signals being directed to specific sockets on the device(see: column 4, lines 1-13).

***Allowable Subject Matter***

6. Claims 6 and 12 are allowed.

**REMARKS:**

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5,7-11, and 13-14 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

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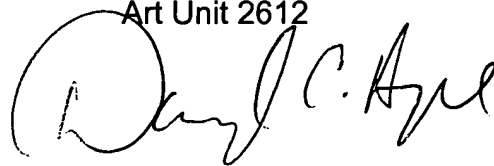
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

August 16, 2006

DARYL C POPE  
Primary Examiner  
Art Unit 2612

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title.